



General Assembly

February Session, 2004

***Raised Bill No. 53***

LCO No. 244

\*00244\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING SCARRING AND OTHER DISCRETIONARY  
BENEFITS UNDER THE WORKERS' COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 31-280 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2004*):

4 (a) There shall continue to be a chairman of the Workers'  
5 Compensation Commission selected by the Governor as provided in  
6 section 31-276. The chairman may not hear any matter arising under  
7 this chapter, except appeals brought before the Compensation Review  
8 Board and except as provided in subdivision (14) of subsection (b) of  
9 this section and subsections (c) and (e) of section 31-308, as amended  
10 by this act. The chairman shall prepare the forms used by the  
11 commission, shall have custody of the insurance coverage cards, shall  
12 prepare and keep a list of self-insurers, shall prepare the annual report  
13 to the Governor and shall publish, when necessary, bulletins showing  
14 the changes in the compensation law, with annotations to the  
15 Connecticut cases. The chairman shall be provided with sufficient staff  
16 to assist [him] in the performance of [his] the chairman's duties. The

17 chairman may, within available appropriations, appoint acting  
18 compensation commissioners on a per diem basis from among former  
19 workers' compensation commissioners or qualified members of the bar  
20 of this state. Any acting compensation commissioner appointed under  
21 this subsection shall be paid on a per diem basis in an amount to be  
22 determined by the Commissioner of Administrative Services, subject to  
23 the provisions of section 4-40, and shall have all the powers and duties  
24 of compensation commissioners. The Workers' Compensation  
25 Commission shall not be construed to be a commission or board  
26 subject to the provisions of section 4-9a, as amended.

27 Sec. 2. Subsection (c) of section 31-308 of the general statutes is  
28 repealed and the following is substituted in lieu thereof (*Effective*  
29 *October 1, 2004*):

30 (c) In addition to compensation for total or partial incapacity or for a  
31 specific loss of a member or use of the function of a member of the  
32 body, the [commissioner] chairman, not earlier than one year from the  
33 date of the injury and not later than two years from the date of the  
34 injury or the surgery date of the injury, may award compensation  
35 equal to seventy-five per cent of the average weekly earnings of the  
36 injured employee, calculated pursuant to section 31-310, after such  
37 earnings have been reduced by any deduction for federal or state taxes,  
38 or both, and for the federal Insurance Contributions Act made from  
39 such employee's total wages received during the period of calculation  
40 of the employee's average weekly wage pursuant to said section 31-  
41 310, but not more than one hundred per cent, raised to the next even  
42 dollar, of the average weekly earnings of production and related  
43 workers in manufacturing in the state, as determined in accordance  
44 with the provisions of section 31-309, for up to two hundred eight  
45 weeks, for any permanent significant disfigurement of, or permanent  
46 significant scar on [, (A) the face, head or neck, or (B) on any other area  
47 of the body which handicaps the employee in obtaining or continuing  
48 to work] any area of the body. The [commissioner] chairman may not  
49 award compensation under this subsection when the disfigurement

50 was caused solely by the loss of or the loss of use of a member of the  
 51 body for which compensation is provided under subsection (b) of this  
 52 section or for any scar resulting from an inguinal hernia operation or  
 53 any spinal surgery. In making any award under this subsection, the  
 54 [commissioner] chairman shall consider (1) the location of the scar or  
 55 disfigurement, (2) the size of the scar or disfigurement, (3) the visibility  
 56 of the scar or disfigurement due to hyperpigmentation or  
 57 depigmentation, whether hypertrophic or keloidal, (4) whether the  
 58 scar or disfigurement causes a tonal or textural skin change, causes  
 59 loss of symmetry of the affected area or results in noticeable bumps or  
 60 depressions in the affected area, and (5) other relevant factors.  
 61 [Notwithstanding the provisions of this subsection, no compensation  
 62 shall be awarded for any scar or disfigurement which is not located on  
 63 (A) the face, head or neck, or (B) any other area of the body which  
 64 handicaps the employee in obtaining or continuing to work.] In  
 65 addition to the requirements contained in section 31-297, the  
 66 [commissioner] chairman shall provide written notice to the employer  
 67 prior to any hearing held by the [commissioner] chairman to consider  
 68 an award for any scar or disfigurement under this subsection. The  
 69 chairman may review recommendations from a commissioner  
 70 concerning an award for any scar or disfigurement under this  
 71 subsection, but discretion for determining awards under this  
 72 subsection shall be vested solely in the chairman.

73 Sec. 3. Section 31-308 of the general statutes is amended by adding  
 74 subsection (e) as follows (*Effective October 1, 2004*):

75 (NEW) (e) In addition to compensation for total or partial  
 76 incapacity, or for a specific loss of a member or use of the function of a  
 77 member of the body, or for significant disfigurement or permanent  
 78 significant scarring, the chairman may award compensation for the  
 79 loss of a member or organ or the complete and permanent loss of use  
 80 of a member or organ not otherwise referred to in subsection (b) of this  
 81 section. The chairman shall determine the amount and duration of  
 82 such compensation, taking into consideration (1) the disabling effect of

83 the loss of or loss of function of the member or organ involved, and (2)  
84 the necessity of the member or organ or the complete functioning of  
85 the member or organ with respect to the entire body, but in no case  
86 shall the chairman award more than five hundred twenty weeks of  
87 compensation under the provisions of this subsection. The chairman  
88 may review recommendations from a commissioner concerning an  
89 award of compensation for the loss of a member or organ or the  
90 complete and permanent loss of use of a member or organ not  
91 otherwise referred to in subsection (b) of this section, but discretion for  
92 determining awards under this subsection shall be vested solely in the  
93 chairman.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>

***Statement of Purpose:***

To give the chairman of the Workers' Compensation Commission sole discretion in determining awards for (1) permanent significant scars or disfigurements on any area of the body, and (2) permanent partial disability benefits for body parts not included on the schedule of injuries listed in subsection (b) of section 31-308 of the general statutes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*